

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 02, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CONVERSATION NORTHWEST
and WILDEARTH GUARDIANS,

Plaintiffs,

v.

US FOREST SERVICE and
RODNEY SMOLDEN, Forest
Supervisor, Colville National Forest,

Defendants.

NO: 2:20-CV-450-RMP

ORDER GRANTING JOINT
MOTION TO EXTEND DISCOVERY
AND DISCLOSURE DEADLINES
AND SETTING BRIEFING
SCHEDULE

BEFORE THE COURT is the parties' Joint Motion to Extend Discovery and
Disclosure Deadlines, ECF No. 13, and Motion to Expedite the same, ECF No. 14.

The Court has reviewed the motions and the record and is fully informed.

On April 1, 2021, the parties submitted a Joint Status Report and indicated
that they had conferred regarding initial disclosures and a discovery plan. ECF No.
12 at 6. However, the parties dispute whether Plaintiffs' Endangered Species Act
("ESA") claims are standard civil claims or whether judicial review of those claims
is limited to an administrative record. ECF No. 13 at 2. Under Rule 26(a)(1)(b),

ORDER GRANTING JOINT MOTION TO EXTEND DISCOVERY AND
DISCLOSURE DEADLINES AND SETTING BRIEFING SCHEDULE ~ 1

1 Defendants timely objected to making initial disclosures. *Id.* The parties propose
2 that these issues be resolved through a motion filed by Plaintiffs to determine the
3 scope of review. *Id.* The Parties further agree that Plaintiffs' deadline for filing that
4 motion should be April 30, 2021, and that briefing on the motion should proceed
5 according to the local civil rules.

6 The parties further request that the Court extend all discovery and initial
7 disclosure deadlines, including the deadlines to confer and submit a proposed
8 discovery plan under Rule 26, until after the Court rules on Plaintiffs' forthcoming
9 motion to determine the scope of review for Plaintiffs' ESA claims.

10 Considering the parties' dispute with respect to Plaintiffs' ESA claims, and
11 because the resolution of that issue will affect the scope of discovery, the Court finds
12 good cause to grant the parties' request and motion to expedite the same.

13 Accordingly, **IT IS HEREBY ORDERED:**

14 1. The parties' Joint Motion to Extend Discovery and Disclosure Deadlines,
15 **ECF No. 13**, and Motion to Expedite the same, **ECF No. 14**, are
16 **GRANTED.**

17 a. All discovery and initial disclosure deadlines, including the
18 deadlines to confer and submit a proposed discovery plan under
19 Rule 26, are extended until after the Court rules on Plaintiffs'
20 forthcoming motion. The Court will set new deadlines after the
21 motion has been resolved.

